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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,450	10/19/2001	Keith E.G. Emery	10007533-1	4069

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EXAMINER	
TRAN, LY T	

ART UNIT	PAPER NUMBER
2853	

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/046,450	EMERY, KEITH E.G.	
	Examin r	Art Unit	
	Ly T TRAN	2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 March 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1, 2, 4, 6-9, 11-14, 16, 17, 27, 32-35, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komplin et al. (USPN 6,155,678) in view of Gamblin et al. (USPN 3,656,827).

With respect to claims 1, 2, 4, 6-9, 11-14, 16, 17, 32-34, 35 and 27, Komplin et al discloses a print cartridge (Fig.1: element 12) comprising a storage medium (element 90), the storage medium comprises an adhesive for attachment to the component (Column 5: line 11-15), the component serving one purpose other than data storage (because a cartridge having a memory on it) and the component includes an ink jet printer cartridge (Column 5: line 5-6).

However, Komplin et al fails to teach the storage is a hologram using an electromagnetic beam.

Gamblin teaches the storage is a hologram (Abstract), the hologram comprises a writeable, readable (Abstract, Column 3: line 22-50) and hologram can be written using a laser which is electromagnetic beam.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a hologram memory as taught by Gamblin. The motivation of doing so is obtain a greater volumetric efficiency in storage and lower cost.

2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Komplin et al. (USPN 6,155,678) in view of Gamblin et al. (USPN 3,656,827) as applied to claim 1 above, further in view of Tanaka et al (USPN 6,446,177).

The combination of Komplin and Gamblin fails to teach the hologram includes a logo company.

Tanaka teaches the hologram includes a logo company (Column 34: line 30-34).

It would have been obvious to one having ordinary skill in the art at the time the invention was made as modify to has a logo company as taught by Tanaka. The motivation of doing so is to demonstrate that it has a function of copyright protection is also usable for this purpose.

3. Claims 5 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komplin et al. (USPN 6,155,678) in view of Gamblin et al. (USPN 3,656,827) as applied to claim 1 above, further in view of Karakama et al. (USPN 6,654,567).

The combination of Komplin and Gamblin discloses the storage medium adheres to the component instead of snap-fits to the component.

Karakama et al. shows that the storage medium adheres to the component and snap-fits to the component (Column 21: line 1-25) is an equivalent structure known in

the art. Therefore, because the storage medium adheres to the component and snap-fits to the component were art recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to snap-fit instead of adhere for the same purpose such as mounting the storage to the component.

4. Claims 10, 37 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komplin et al. (USPN 6,155,678) in view of Gamblin et al. (USPN 3,656,827) as applied to claims 1 and 8 above, further in view of Bullock et al. (USPN 5,812,156).

The combination of Komplin and Gamblin fails to teach the storage medium comprises indicia of authenticity and manufacturing line.

Bullock teaches the storage medium comprises indicia of authenticity and manufacturing line (Column 4: line 23-50).

It would have been obvious to one having ordinary skill in the art at the time the invention was made as modify to have the storage medium comprises indicia of authenticity and manufacturing line as taught by Bullock. The motivation of doing so is provide updated parameters to customers who already have installed printers.

5. Claims 18-26 and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ujita et al. (USPN 5,506,611) in view of Heiman et al. (USPN 4,933,538).

With respect to claims 18-26 and 28-31, Ujita discloses a method for reading, writing data to storage and a method of instructing an image-forming device (Column

17: line 11-25, Fig.13: element 37, 38), component is a printer cartridge, the device is housed in a printer, the component is installed in the printer and the characteristic is compability (Fig.13, Column 4: line 11-25).

However, Ujita fails to teach the detail of how to read, write and the emitting comprises a laser emission.

Heiman teaches the details such as emitting energy form a device, wherein at least one of readable and writeable, detecting energy reflected for the storage, determining a bit value (Column 5: line 25-34, Column 6: line 4-52, the bar code is a bit value). It would have been obvious to one having ordinary skill in the art at the time the invention was made to read and write as taught by Heiman. The motivation of doing so is operate in both a low power mode and a high power mode in order to prolong the operational lifetime of the light source.

Response to Arguments

In response to applicant's argument that the drum storage system in Gamblin cannot substitute for the memory of Komplin, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). The present case Gamblin teaches the

advantage of the holographic memory; one of ordinary skill in the art would recognize this advantage would be applicable to Komplin.

Applicant's argument that Komplin does not teach uses of an electromagnetic beam is not persuasive because Komplin was not cited to teach this feature.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ly T TRAN whose telephone number is 571-272-2155. The examiner can normally be reached on M-F (7:30am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on 571-272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LT
June 2, 2004

Stephen D. Meier
Primary Examiner